

U.S. Patent Application Serial No. **10/532,064**
Amendment filed December 14, 2006
Reply to OA dated September 21, 2006

REMARKS

Claims 4 and 6-8 are pending. Claims 1-3 and 5 have been canceled.

The support for the amendments to the claims are as follows: Claim 4: (p.4, lines 17-25; p.4, line 35 to p.5, line 2; p.6, lines 20-23); Claim 6: (p.4, lines 17-25) and Claim 7: (p.10, lines 11-17). The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated September 21, 2006.

In the Information Disclosure Statement filed 4/20/05 fails to comply with 37 CFR § 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. (Office Action. p.2)

The applicant acknowledges the problem with the previous IDS, as noted by the Examiner, and encloses herewith an IDS containing copies of all previously cited foreign patent documents.

Claim 3 is rejected under 35 USC § 102(b) as being anticipated by Kato et al. (Curr.Genet. (2002) 42:43-50). (Office Action, p.3)

Claim 3 has been canceled making this rejection now moot.

Claims 1, 2, 4-8 are rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. (Office Action, p.3)

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Claims 1 and 2 are canceled making the rejection now moot with respect to these claims.

In amended claim 4, the foreign gene to be introduced is clarified and the microorganism to be transformed is specified. In the specification, the experiment for preparing an *Aspergillus nidulans* which lacks an isomaltose synthase gene is described in detail on p.11-12. From this disclosure, it is obvious for one of skill in the art that the same procedures can be applied to other microorganisms belonging to the genus *Aspergillus*. Accordingly, the rejection under 35USC112, first paragraph is no longer applicable to claim 4 as amended.

In amended claim 6, the microorganism to be transformed is *Aspergillus nidulans*. Thus, the scope of this claim corresponds to the teachings disclosed in the specification. It is respectfully asserted that the rejection under 35USC112, first paragraph is addressed and overcome.

Claims 7 and 8 are both dependent on amended claim 4, the rejection of which is addressed above.

In light of the amendments, it is respectfully requested that the rejection be withdrawn.

Claims 1, 2, 4, 5, 7 and 8 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action, p.5)

Claim 1 has been canceled and the rejection with respect to claim 4 is overcome by virtue of deletion of the expression "a major isomaltose synthase."

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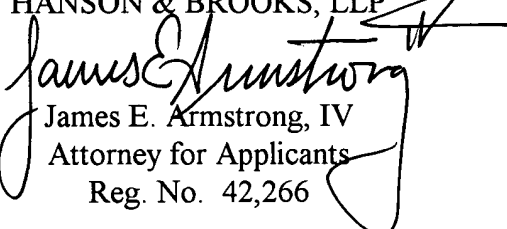
In view of the aforementioned amendments and accompanying remarks, claims 4 and 6-8, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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